IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 33173 of 2007(Y)

PETITIONER:

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1. C.ANIL KUMAR,
   MECHANICAL ASSISTANT,
   OIL PALM INDIA LTD.,
   EROOR, KOLLAM.

2. M.B.THAMPI,
   MECHANICAL ASSISTANT,
   OIL PALM INDIA LTD.,
   EROOR, KOLLAM.

3. M.SATHYA KUMAR,
   MECHANICAL ASSISTANT,
   OIL PALM INDIA LTD.,
   EROOR, KOLLAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)

RESPONDENTS:

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1. THE OIL PALM INDIA LTD., REPRESENTED BY
   THE MANAGING DIRECTOR, P.B.NO.2725,
   OLD STAR THEATRE ROAD, KOTTAYAM SOUTH P.O.

2. THE MANAGING DIRECTOR,
   OIL PALM INDIA LTD.,
   P.B.NO.2718, OLD STAR THEATRE ROAD,
   KOTTAYAM SOUTH P.O.

3. THE SECRETARY TO GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BEJOY CHANDRAN
BY ASG SRI.PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.33173 OF 2007

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Dated this the 10th day of December 2007

JUDGMENT

The petitioners are working as Mechanical Assistants in the Oil Palm India Ltd. from 1980 onwards. They aspire for promotion to the post of Plant Operators. According to them, there is a ratio fixed for the post of Plant Operators between direct recruits and promotees as 1:1. But now the Company has taken a decision to include the post of Fitter also in the feeder category for promotion to the post of Plant Operator. An amendment to the recruitment rules made in this behalf was forwarded to the government for its approval. Petitioners objected to the same. Their objections were directed to be considered under Ext.P3 judgment. It has been rejected under Ext.P4.

2. Learned counsel for the petitioners Mr.Santhosh Kumar submits that at this stage he would only require a fresh consideration by the government, after giving the petitioners an opportunity of personal hearing. He submits that had such a hearing been given, the petitioners would have been in a position to produce adequate materials to show that the feeder category for promotion to the post of Plant Operator should not be enlarged. In the nature of the dispute

between the parties, I think it is a fit case where the government should hear the petitioners and take a decision.

3. In the circumstances, the writ petition is disposed of directing the third respondent to take a fresh decision as directed in Ext.P3, after hearing the petitioners, a representative of the company and also the representative of the workmen, who are in the category of fitters, and take a fresh decision in this regard, within a period of three months from the date of receipt of a copy of this judgment, untrammeled by Ext.P4.

V.GIRI, JUDGE

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